

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANGEL MARIE LUCAS,

Plaintiff,

v.

NICHOLAS LEWIS, *et al.*,

Defendants.

Case No. 1:22-cv-741

JUDGE DOUGLAS R. COLE

Magistrate Judge Gentry

ORDER

Troopers arrested Angel Marie Lucas for drug trafficking in October 2022.¹ (Compl., Doc. 4, #62–65). Following her arrest, Lucas alleges two judges ordered her detained pending trial. (*Id.*). Proceeding pro se, Lucas invoked 42 U.S.C. § 1983 and sued the officers who arrested her and the judges who denied her pretrial release. (Doc. 4). Lucas’s claims related to an active state criminal case, so this Court stayed this matter under *Younger v. Harris*. (Doc. 5, #71–72). As a result, Lucas has not served any Defendant. Then, on June 12, 2023, Lucas moved to dismiss her Complaint without prejudice. (Doc. 13). Three days later, the Magistrate Judge issued a Report and Recommendation, advising the Court to grant Lucas’s Motion under Rule 41(a)(1)(A)(i). (Doc. 14).

Federal Rule of Civil Procedure 41(a)(1)(A)(i) allows a plaintiff to voluntarily “dismiss an action without a court order by filing a notice of dismissal before the

¹ The Court limits its discussion here to only those facts necessary to rule on Lucas’s Motion to Dismiss.

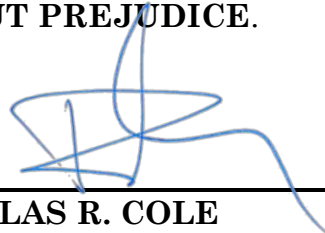
opposing party serves either an answer or a motion for summary judgment.” The plaintiff does not need the court’s permission. *Aamot v. Kassel*, 1 F.3d 441, 443 (6th Cir. 1993). And “the court has no discretion to deny such a dismissal.” *Id.* Finally, unless the plaintiff says otherwise or previously dismissed a claim based on the same facts, the court should dismiss without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

Lucas has not served Defendants. Unsurprisingly then, no Defendant has answered or moved for summary judgment. Lucas has requested dismissal without prejudice, and the Court knows of no prior lawsuit under these same facts. Thus, the Court **ADOPTS** the R&R (Doc. 14), **GRANTS** Lucas’s Motion to Dismiss (Doc. 13), and **DISMISSES** her Complaint (Doc. 4) **WITHOUT PREJUDICE**.

SO ORDERED.

June 20, 2023

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE